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SUBJECT: GOI INTRODUCES LEGISLATION TO ADDRESS COMMUNAL VIOLENCE

Classified By: Political Counselor Geoff Pyatt, for Reasons 1.4 (B, D)

1. (C) Summary: Over stringent opposition from BJP-ruled states, the Congress government devised a bill to prevent the outbreak and spread of communal rioting by allowing New Delhi to intervene in any state experiencing communal violence. On December 5, the UPA unexpectedly diluted the bill to allow federal intervention only at the request of state governments and instead of submitting it to Parliament for a vote as originally announced, sent it to committee for further consideration. Disappointed human rights activists and Muslim leaders interpreted the UPA's action as a sign of weakness and an indication that Congress is not fully committed to protecting vulnerable minorities from violent attack. This could convince more Muslims to withhold support from Congress and throw their crucial votes to regional parties. End Summary.

The UPA Introduces a Bill

2. (U) The UPA government has long been concerned about the prospect of another communal conflagration such as the one that took place in Gujarat in 2002. In Gujarat, the BJP government of Chief Minister Narendra Modi failed to take decisive action to prevent or stop widespread attacks against Muslims by militant Hindus. The UPA drafted The Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill to ensure that a similar event does not happen again. The Bill, as originally drafted, would have given the Federal Government the power to declare any area of any state as "disturbed" when communal rioting breaks out, and to deploy paramilitary or military forces to stop the violence. After the rioting is suppressed, the government would have the power to convene special courts to try those arrested, and state and federal officers would enjoy legal immunity for "anything done in good faith," to enforce the provisions of the bill.

But Waters it Down Almost Immediately

3. (U) Although the Bill was aimed at reining in irresponsible state governments and preventing the victimization of minorities, the UPA was not willing to take on the state governments that would have objected. To head-off a possible confrontation, the UPA watered-down the bill by removing the provisions giving the Federal Government the power to unilaterally intervene in a riot situation. The new version specified that New Delhi could only intervene at the request of the government of the effected state.

4. (U) Muslim and Human Rights groups, disappointed by the UPA's apparent lack of backbone, complained that a "communally insensitive" state government would never request Federal intervention, and that the new bill would do nothing to change the existing status quo. Some human rights activists also complained that the bill would have put draconian powers in the hands of local police, and objected to the provisions enabling the GOI to establish "special courts" and providing immunity from law suits or prosecution to state and federal officials.

And Then Withdraws It

5. (U) With the NDA opposition increasingly outspoken and energized, the UPA was unsure that it had sufficient support to pass the bill and on September 5 referred it to the Parliamentary Standing Committee on Home Affairs for further consideration rather than putting it up for a vote. It also put the bill up on a website and invited comments from the public.

A Perennial Problem

6. (C) Communal outbreaks are a perennial problem in India. Since independence the GOI has relied on President's Rule as the last resort when it appeared that the violence would get out of the control of state authorities. In 1992, New Delhi declared President's rule to deal with the rioting that engulfed parts of the country after the destruction of the

Babri Mosque. In 2002, the GOI seriously considered imposing president's rule to suppress the rioting in Gujarat, but decided against it, since the state government was controlled by the ruling BJP. This bill as originally drafted would have provided the GOI with an interim measure to deal with communal violence short of dismissing the state government.

While A Muslim Leader is Less Than Enthused

17. (C) In a December 7 conversation with Poloff, Maulana Mohammad Athar, the head of the All India Shia Personal Law Board (AISPLB) showed little interest in the bill. Stating that his organization supported any measure aimed at curbing communal violence, Athar confided that the AISPLB did not take a public stance on this particular bill. Noting that Muslims were the principal victims of communal rioting, Athar complained that it did little good to pass legislation that is not enforced.

18. (C) Athar pointed out that the GOI was only interested in addressing the symptoms, as it did not have the will to address the root of the problem. In Athar's estimation, communal rioting is engineered by power-hungry politicians working together with organized criminals. He urged the GOI to "decriminalize" politics by unseating the over 100 MPs with criminal records and ensuring that no more criminals can get elected. Athar also urged the GOI to provide financial support to those NGO's both secular and religious that are standing up to the criminal politicians and taking steps to ensure communal harmony. The GOI should also arrest and convict politicians of any party who incite communal riots. He expressed little faith that the UPA government had the will to implement his suggestions.

Comment - Little Action to Address a Huge Problem

19. (C) The UPA government paints itself as the secular alternative to the "communal" forces of the BJP/NDA, and tells religious minorities that it will protect them from the forces of Hindu nationalism. This half-step attempt to address the issue will disappoint those Muslim and other minorities who supported the UPA and could further convince many in the Muslim community to remain aloof from a Congress Party which does not seem genuinely interested in their welfare.
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